

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Gene Schildkraut	Team: Team # 5	CCRB Case #: 200616410	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 12/09/2006 1:15 PM	Location of Incident: 995 Flatbush Avenue	Precinct: 70	18 Mo. SOL 6/9/2008	EO SOL 6/9/2008	
Date/Time CV Reported Sat, 12/09/2006 2:59 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 12/09/2006 2:59 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Leonard Clarke	27183	940013	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Robert Maresca	29797	940421	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Leonard Clarke	Discourtesy: Officer Leonard Clarke spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b)	
B.POM Leonard Clarke	Abuse: Officer Leonard Clarke threatened to arrest § 87(2)(b)	
C.POM Leonard Clarke	Force: Officer Leonard Clarke hit § 87(2)(b) with his radio.	

Synopsis

On December 9, 2006, at approximately 1:15 PM, § 87(2)(b) and his aunt, § 87(2)(b) drove to the Norfolk Bank in the vicinity of 995 Flatbush Avenue in Brooklyn. § 87(2)(b) double-parked his car while § 87(2)(b) went into the bank. A police officer, identified as Police Officer Leonard Clarke, approached § 87(2)(b) car and told him that he was going to give him a summons for § 87(2)(b). § 87(2)(b) asked for a chance to move his car, and Officer Clarke told § 87(2)(b) not to talk back. When § 87(2)(b) attempted to drive away, Officer Clarke jumped in front of the car and said, “Are you fucking crazy? Don’t move,” and he told § 87(2)(b) to “put the fucking car in park” (allegation A). Officer Clarke asked § 87(2)(b) for his driver’s license, which § 87(2)(b) provided. § 87(2)(b) asked Officer Clarke why he was acting so aggressively, and Officer Clarke said, “Why are you talking back to me? Just do what I fucking say.” § 87(2)(b) called his aunt’s cell phone and told her that an officer was treating him harshly, but § 87(2)(b) was next in line in the bank, and she told § 87(2)(b) that she would come out when she was finished. Officer Clarke moved to the rear of the car and spoke with a second officer, identified as Police Officer Robert Maresca. § 87(2)(b) exited the bank, approached Officer Clarke and asked him what was happening. Officer Clarke began to tell § 87(2)(b) “Your son...” but § 87(2)(b) interrupted him and said, “Don’t discriminate me. Did I tell you that was my son? That’s my nephew.” § 87(2)(b) opened the car door, stepped out and asked § 87(2)(b) not to talk to Officer Clarke as he was “disrespecting” him. Officer Clarke pointed to § 87(2)(b) and said, “Didn’t I tell you to hush your fucking mouth? If you say anything I’ll have you arrested” (allegation B). § 87(2)(b) told Officer Clarke that what he said was uncalled for. Officer Clarke gestured in § 87(2)(b) s face with his radio and told her to get back in the car, and he poked § 87(2)(b) in her right eye with the radio antenna (allegation C). Officer Clarke issued three summonses to § 87(2)(b) one for § 87(2)(b); one for § 87(2)(b); and one for § 87(2)(b). § 87(2)(b) asked Officer Clarke for his name and shield number, and Officer Clarke told him that they were on the summonses. § 87(2)(b) exited his car and asked Officer Maresca who provided Officer Clarke’s name and shield number. § 87(2)(b) then drove § 87(2)(b) to the eye doctor. § 87(2)(b) received treatment for her injuries in the emergency room at § 87(2)(b).

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) filed this complaint via the call processing system on December 9, 2006 (encl. 5a-b), he provided a statement via telephone on December 12, 2006 (encl. 6), and he was interviewed at the CCRB on December 19, 2006 (encl. 7a-f). § 87(2)(g)

§ 87(2)(b) was born on § 87(2)(b). He is a black male, 5’9” tall, 160 pounds, with black hair and brown eyes. § 87(2)(b)

§ 87(2)(b) stated that on December 9, 2006, at approximately 1:15 p.m., he drove his aunt, § 87(2)(b) to the Norfolk Bank in the vicinity of 995 Flatbush Avenue in Brooklyn. § 87(2)(b) double-parked his black 2000 Maxima on Flatbush Avenue because there were too many cars on the street for him to find a parking space. He waited for his aunt for approximately two minutes before he saw an officer approaching on foot from in front of the car on the same side of the street with his hands up saying, “Don’t move, don’t move.” § 87(2)(b) identified the officer as Police Officer Leonard Clarke from information provided by a second officer at the scene. He described Officer Clarke as a black male, approximately 6’1” tall, with light skin, short hair and big brown eyes.

§ 87(2)(b) asked Officer Clarke why he could not move, and Officer Clarke told him that he was going to give him a summons for § 87(2)(b). § 87(2)(b) asked Officer Clarke to give him a chance to move the car, and Officer Clarke said, “Don’t talk back to me, just do what I say.” Officer Clarke ran to the front of the car with his hand on his gun and said, “Are you fucking crazy, don’t move.” Officer Clarke approached the driver’s window and told § 87(2)(b) to “put the fucking car in park.” § 87(2)(b) told Officer Clarke that the car is a stick shift and cannot be put in park, so Officer Clarke told him to shut off the engine.

Officer Clarke asked § 87(2)(b) for his driver’s license. § 87(2)(b) asked Officer Clarke why he was acting so aggressively, and Officer Clarke said, “Why are you talking back to me, just do what I fucking say.” § 87(2)(b) provided his driver’s license to Officer Clarke, and Officer Clarke said, “You’ve got a lot of mouth. I know how I’m gonna handle you.” § 87(2)(b) said, “Go ahead and write your ticket,” and he put up his window. § 87(2)(b) stated that he heard Officer Clarke say, “Go ahead; put up your window you little bitch.”

§ 87(2)(b) called § 87(2)(b) on her cell phone and told her that an officer was giving him a ticket and treating him roughly, and he asked her to come outside. § 87(2)(b) told § 87(2)(b) that she was the next person in line. Officer Clarke walked to the rear of the car, took out his radio and then approached a second officer, identified as Police Officer Robert Maresca, who was standing on the corner. § 87(2)(b) rolled down his window to tell Officer Maresca what happened, and Officer Maresca told § 87(2)(b) that Officer Clarke told him that § 87(2)(b) was acting frantically and calling him names. § 87(2)(b) denied that he cursed or called Officer Clarke names. Officer Clarke took out his radio. § 87(2)(b) asked Officer Maresca what Officer Clarke was doing, and Officer Maresca responded that Officer Clarke was doing a license check.

§ 87(2)(b) exited the bank approximately ten minutes after Officer Clarke arrived, approached Officer Clarke and asked him what happened. § 87(2)(b) opened the car door and stepped halfway out and asked § 87(2)(b) to get into the car and not to talk to Officer Clarke as he was disrespecting § 87(2)(b). § 87(2)(b) stated that Officer Clarke seemed upset, and he did not want § 87(2)(b) to upset him further. Officer Clarke pointed to § 87(2)(b) and said, “Shut up and get back in the fucking car.” § 87(2)(b) asked Officer Clarke how he could speak to § 87(2)(b) in such a way, and she said that § 87(2)(b) could say whatever he wanted as he had freedom of speech. Officer Clarke “got upset,” and he stuck his radio in § 87(2)(b)’s face saying, “Get back in the car, get back in the car.”

Officer Clarke approached the driver’s side window and threw the summonses into the car saying, “Have a fun day in court.” § 87(2)(b) asked Officer Clarke for his name and shield number, and Officer Clarke pulled his jacket over his chest, told § 87(2)(b) that his name was on the summons and walked back in the direction from which he came. § 87(2)(b) exited his vehicle, approached Officer Maresca and asked him for Officer Clarke’s name, shield number and to what precinct they belonged. Officer Maresca gave Officer Clarke’s name and shield number to § 87(2)(b) and then walked away.

§ 87(2)(b) returned to his car and drove away. § 87(2)(b) then told § 87(2)(b) that Officer Clarke struck her in the eye with the radio antenna when he told her to get back in the car. § 87(2)(b) did not actually see the radio make contact with § 87(2)(b)’s eye. § 87(2)(b) drove § 87(2)(b) to the precinct station house closes to 995 Flatbush Avenue to ask how to file a complaint. They told an officer in the precinct what happened, and the officer told them that what happened was outrageous, and he gave them the number for the CCRB. § 87(2)(b) did not drive § 87(2)(b) to the hospital, but he stated that she did seek medical treatment for her eye.

§ 87(2)(b) filed a duplicated complaint number § 87(2)(b) on December 9, 2006 that was incorporated into this case’s complaint report (encl. 5a-b). She provided a statement to medical personnel on § 87(2)(b) (encl. 8) and a statement to the CCRB via phone on December 13, 2006 (encl. 9). § 87(2)(b) was interviewed at the CCRB on December 19, 2006 (encl. 10a-f). § 87(2)(g)

§ 87(2)(b) was born on § 87(2)(b). She is a black female, 5’7” tall, 180 pounds, with black hair

and brown eyes. § 87(2)(b)

§ 87(2)(b) stated that her nephew, § 87(2)(b) drove her to a Norfolk Bank on Flatbush Avenue in Brooklyn in a white car. § 87(2)(b) had to double-park because there were no parking spaces available. While § 87(2)(b) was in the bank, § 87(2)(b) called her cell phone and told her that a police officer was “giving him a hard time.” § 87(2)(b) told § 87(2)(b) that she was the next person in line and that she would come out when she finished. § 87(2)(b) stated that she assumed § 87(2)(b) was being bothered to move his car because he was double-parked. § 87(2)(b) finished with her transaction and walked outside where she saw a police officer, identified as Police Officer Leonard Clarke, near her nephew’s car. § 87(2)(b) could not remember Officer Clarke’s hair color or style, and she could not confidently approximate his age, but she described him as a black male, approximately 5’8” tall, with a heavy build and dressed in uniform. § 87(2)(b) approached the passenger side of the car and asked § 87(2)(b) what was happening. Officer Clarke asked if he could talk to § 87(2)(b) and § 87(2)(b) told § 87(2)(b) “Aunt § 87(2)(b) don’t speak to him. He carried on and gave me a hard time.” § 87(2)(b) did not know what happened while she was inside the bank, but she could see that her nephew was upset.

Officer Clarke started to say to § 87(2)(b) “Your son...” but § 87(2)(b) stopped him and said, “Don’t discriminate me. Did I tell you that was my son? That’s my nephew.” § 87(2)(b) appeared to be very upset by the officer’s statement. Officer Clarke told § 87(2)(b) that he was giving § 87(2)(b) three summonses for § 87(2)(b). § 87(2)(b) told § 87(2)(b) to get in the car and not to listen to the officer because he was showing off. Officer Clarke said, “Didn’t I tell you to hush your fucking mouth? If you come out of the car or say anything, I will have you arrested.” § 87(2)(b) told Officer Clarke that what he said was uncalled for and that § 87(2)(b) can say whatever he wants because he has freedom of speech.

Officer Clarke gestured at § 87(2)(b) with the radio he carried in his right hand saying, “Just go in the car,” and he stuck § 87(2)(b) in the right eye with the radio antenna. § 87(2)(b) could not remember if Officer Clarke was holding the radio when she exited the bank or when he wrote the summonses. § 87(2)(b) said, “You see what you did to my aunt?” A second officer, identified as Police Officer Robert Maresca, approached § 87(2)(b) and she asked Officer Maresca at the scene if he saw what Officer Clarke did to her eye. § 87(2)(b) described Officer Maresca as a white male, approximately 5’7” tall, in his late twenties with a slender build. She stated that Officer Maresca was very quiet throughout the incident. § 87(2)(b) got into the car, her right eye tearing. Officer Clarke approached the driver’s side window, threw the three summonses into the car and said, “Have a fun day in court.” § 87(2)(b) told the officer, “I need to know your name and badge number.” Officer Clarke told § 87(2)(b) that the information was on the summonses. § 87(2)(b) asked Officer Maresca for Officer Clarke’s information as he stood behind Officer Clarke. § 87(2)(b) did not tell the officers about her injury.

§ 87(2)(b) drove § 87(2)(b) to the precinct stationhouse on Snyder Street between Nostrand Avenue and Rogers Avenue where they received the telephone number for the CCRB. § 87(2)(b) then drove § 87(2)(b) to an optician on Church Avenue and Schenectady Avenue, and she was told to go to the hospital. § 87(2)(b)’s cousin drove her to § 87(2)(b) emergency room where she told medical personnel that she was hit with a “walkie-talkie” antenna. She saw a specialist and was told that she injured her cornea and was given medication and told to follow up in a couple days. § 87(2)(b) returned to the hospital on § 87(2)(b), at which time she was told that the eye was infected and she was given more medication. She returned again on § 87(2)(b), and was told that her “eye was coming along nice.”

§ 87(2)(b) stated that § 87(2)(b) did not get out of the car when she was present, nor did § 87(2)(b) use any profanity or raise his voice.

Results of Investigation

POLICE OFFICER STATEMENTS

Police Officer Leonard Clarke, 940013, 70th Precinct (subject officer)

Parking violation § 87(2)(b) (encl. 11)

Officer Clarke issued a parking violation to § 87(2)(b) on December 9, 2006, for § 87(2)(b).

Parking violation § 87(2)(b) (encl. 12)

Officer Clarke issued a second violation summons to § 87(2)(b) on December 9, 2006, for § 87(2)(b).

Criminal court summons § 87(2)(b) (encl. 13)

Officer Clarke issued § 87(2)(b) a summons for § 87(2)(b), on December 9, 2006.

Memo book (encl. 14a-c)

Officer Clarke wrote in his memo book that on December 9, 2006, at 1:05 PM, he encountered a male, identified as § 87(2)(b) double-parked and acting disorderly. Officer Clarke wrote on the accompanying fly-sheet that § 87(2)(b) was driving a black Nissan Maxima and was double-parked in front of 955 Flatbush Avenue. Officer Clarke told him to move his car, and § 87(2)(b) told him to wait two minutes. Officer Clarke could not wait due to the backup of traffic, so he proceeded to write him a summons. § 87(2)(b) told Officer Clarke, "You're a fucking prick, and you're showing off for the white boy;" Officer Clarke believed § 87(2)(b) was referring to his partner. § 87(2)(b) repeatedly exited his vehicle after Officer Clarke told him to stay inside while he wrote the summons. A woman who identified herself as § 87(2)(b) aunt, § 87(2)(b) approached the vehicle and said that she was a corrections officer, but she failed to present identification. Officer Clarke later learned that she worked for American Airlines.

CCRB statement (encl. 15a-c)

Police Officer Leonard Clarke, shield number 27183, was interviewed at the CCRB on January 30, 2007. Officer Clarke is a black male, 5'11" tall, 270 pounds, with black hair and brown eyes. On December 9, 2006, Officer Clarke worked in uniform with Police Officer Robert Maresca from 12:00 PM to 8:35 PM assigned to foot post three, which covers Flatbush and Church Avenues. Officer Clarke described his responsibilities were to "man the traffic."

On December 9, 2006, at approximately 1:00 PM, Officer Clarke observed § 87(2)(b) who he identified from a Polaroid photograph taken during § 87(2)(b) interview at the CCRB, double-parked in a no standing zone in front of Erasmus High school. Officer Clarke approached § 87(2)(b) car and asked him to move, and § 87(2)(b) said, "Wait two minutes." Officer Clarke proceeded to write a summons for the car next to which § 87(2)(b) was parked, and when he finished issuing the summons he again told § 87(2)(b) to move his car. § 87(2)(b) replied, "Wait fucking two minutes." Officer Clarke wrote § 87(2)(b) a summons, and § 87(2)(b) told him, "You're showing off for the white boy up there. You're a fucking prick." Officer Clarke asked § 87(2)(b) to provide his driver's license and registration, but § 87(2)(b) said, "I'm not giving you nothing."

§ 87(2)(b) who Officer Clarke recognized from a Polaroid photograph taken during her interview at the CCRB, exited a nearby bank as Officer Clarke again asked § 87(2)(b) to provide his credentials. § 87(2)(b) asked what was going on, and Officer Clarke told her that her son was failing to give him his license and that he was issuing her son a ticket for being disorderly. Officer Maresca walked over to Officer Clarke, and Officer Clarke informed him that he was issuing a disorderly conduct summons to § 87(2)(b) and he asked Officer Maresca to cover him. He stated that he did not have time to tell Officer Maresca anything else, but later he told him what happened between him and § 87(2)(b).

§ 87(2)(b) told Officer Maresca that she was a corrections officer, and Officer Clarke asked her to provide her shield and ID. § 87(2)(b) told the officers that she left them at home, and Officer Clarke told her, § 87(2)(b) it's impossible that you're a corrections officer...can you please get back in the car." § 87(2)(b) § 87(2)(b) complied and entered the car. § 87(2)(b) then gave Officer Clarke his driver's license, and while Officer Clarke wrote him a summons, § 87(2)(b) repeatedly tried to get out of the car. Officer Clarke stated that for his safety he had to tell § 87(2)(b) to get back into the car. Officer Clarke then wrote § 87(2)(b) a § 87(2)(b) summons. Officer Clarke stated that he called over his radio for a warrant check. He stated that this is procedure when issuing a § 87(2)(b) summons, and he held the radio in his hand when he made the call. He stated that he was not holding his radio when he spoke with § 87(2)(b) he was holding his memo book and the summonses. He stated that he did not poke § 87(2)(b) in the eye with the radio antenna.

Officer Clarke wrote summonses for § 87(2)(b) and § 87(2)(b) and gave them both to § 87(2)(b) before "walk[ing] away from the situation." Officer Clarke could not recall whether the front or the rear license plate was improperly displayed. § 87(2)(b) asked Officer Clarke for his name and shield number, and Officer Clarke told him that his name was on the summons and that his shield number was 27183. Officer Clarke and Officer Maresca then walked up Flatbush Avenue toward Church Avenue. § 87(2)(b) and § 87(2)(b) followed in their car, and § 87(2)(b) § 87(2)(b) exited his vehicle and said to Officer Clarke, "No, you're going to give me something better than that. Why did you write me a ticket?" Officer Clarke stated that he did threaten § 87(2)(b) by saying, "Sir, if you don't get back in the car you will be arrested." § 87(2)(b) then drove away in his vehicle.

Officer Clarke stated that he did not use any profanity when speaking with either § 87(2)(b) or § 87(2)(b) and he did not see or hear that § 87(2)(b) was injured.

Police Officer Robert Maresca, 940421, 70th Precinct (witness officer)

Memo book (encl. 16)

Officer Maresca did not have any entries in his memo book regarding this incident. At 3:30 PM he wrote that he arrived at foot post 5 from his meal and was back on patrol, but his next entry is from 6:00 PM.

CCRB statement (encl. 17a-b)

Officer Maresca, shield number 29797, was interviewed at the CCRB on February 5, 2007. Officer Maresca is a white male, 5'10" tall, 190 pounds, with blond hair, green eyes and he wears glasses. On December 9, 2006, Officer Maresca worked in uniform from 12:00 PM to 8:35 PM assigned to impact post 5. He stated that he was responsible for "traffic conditions." Officer Maresca was transferred from the 70th Precinct to the 67th Precinct on January 8, 2007. § 87(2)(g)

On December 9, 2006, at approximately 4:15 PM, Officer Maresca and Officer Clarke were writing parking summonses on Flatbush Avenue to address a double-parking condition. Officer Clarke stopped at a vehicle to write a summons, and Officer Maresca continued to walk down the block. As Officer Maresca looked at another vehicle, Officer Clarke yelled for him to return.

Officer Clarke told Officer Maresca that he tried to give a summons to the male occupant, identified as § 87(2)(b) but the occupant put the car in drive, so they started to yell at each other. When Officer Maresca arrived at the car, he saw that that car was in drive, but § 87(2)(b) foot was on the brake and he did not attempt to drive away. Officer Maresca told § 87(2)(b) to calm down, put the car in park and take the keys out of the ignition. Officer Maresca described § 87(2)(b) as noncompliant; he was generally discourteous and asked, "what if I don't?" Officer Maresca was shown a Polaroid photograph of § 87(2)(b) taken at the time of his interview at the CCRB, but he did not recognize § 87(2)(b) Officer Maresca stated that he repeatedly told § 87(2)(b) to keep his hands out of his pockets, but Officer Clarke gave most of the orders.

§ 87(2)(b) was still yelling when his aunt, who Officer Maresca recognized as § 87(2)(b) from a Polaroid photograph taken at the time of her CCRB interview, exited a nearby store. Officer Maresca stated that § 87(2)(b) exited the vehicle and "got up in Officer Clarke's face." Officers Maresca and

Clarke told § 87(2)(b) to get back into the car, and he complied. However, Officer Maresca later stated that he did not say anything to § 87(2)(b) when he exited the vehicle. Officer Clarke told § 87(2)(b) that if he refused to comply, he could be issued another summons. § 87(2)(b) showed Officer Maresca a “courtesy” card with a male’s name on the back and had “brother” written on it. Officer Maresca told her that it was not an official ID card, and if it was correct then it meant that her brother worked for corrections and she did not. § 87(2)(b) stated that she was a retired corrections officer, but she stated that she did not have an ID card, and she said that her brother was a corrections officer.

Officer Maresca stated that at one point Officer Clarke stood approximately two feet from § 87(2)(b) and that they were both upset over § 87(2)(b)’s false representation of her position as a corrections officer, but he did not recall Officer Clarke holding his radio when speaking with § 87(2)(b). Officer Maresca stated that Officer Clarke used his radio to call in that they had § 87(2)(b) car stopped, but he did not remove the radio from his belt when he used it. Officer Maresca stated that Officer Clarke did not use profanity, and he did not recall § 87(2)(b) asking him for Officer Clarke’s name and shield number. § 87(2)(b) and § 87(2)(b) drove northbound on Flatbush Avenue before Officer Clarke and Officer Maresca left, and they did not interact with § 87(2)(b) and § 87(2)(b) again.

MEDICAL RECORDS (encl. 18a-k)

§ 87(2)(b)’s medical records indicate that she was seen in the emergency department of § 87(2)(b) Center on § 87(2)(b). § 87(2)(b)’s chief complaint was pain in her right eye, and she described that at around 1:00 PM she was hit with a “walkie-talkie” antenna. § 87(2)(b) received a fluorescein dye uptake test in her right eye and was diagnosed with a corneal abrasion on her right eye. She was instructed to follow up with the Ophthalmology Clinic. On § 87(2)(b), § 87(2)(b) was seen at the § 87(2)(b) Center’s Ophthalmology Clinic where § 87(2)(b) wrote that § 87(2)(b)’s “post traumatic iritis” stemming from a superficial injury of her cornea was improving.

CRIMINAL CASE RECORDS

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

CIVIL CASE RECORDS

The Department of Finance website indicated that the two parking violation summonses issued to § 87(2)(b) have no outstanding debts. On April 11, 2007, the New York City Comptroller’s Office confirmed that § 87(2)(b) did not file a Notice of Claim. § 87(2)(b) though, filed a claim on § 87(2)(b) against New York City and the New York City Police Department alleging “severe and permanent personal injuries” and demanding compensation “not to exceed the sum of three million (\$3,000,000.00) dollars” (encl. 19a-c). The Notice of Claim indicates that § 87(2)(b) filed a complaint with the CCRB, case number § 87(2)(b). However, though § 87(2)(b) filed a duplicate complaint number § 87(2)(b) she has no prior complaints with the CCRB, and it is unclear where the author of this Notice of Claim found the referenced case number.

§ 87(2)(b)’s Notice of Claim indicates that “...on December 9, 2006...§ 87(2)(b) was present at that location she was physically assaulted and struck in the right eye by NYPD Officer Clarke, badge number 27183 and thus seriously injured and deprived of her civil rights, humiliated, verbally assaulted and imprisoned against her will and with excessive force.”

POLICE OFFICER CCRB HISTORY (encl. 2)

Officer Clarke has been a member of New York City Police Department for one year, and he has no prior substantiated CCRB cases.

CIVILIAN CCRB HISTORY (encl. 3, 4a-b)

This is the first complaint for both § 87(2)(b) and § 87(2)(b).

Conclusions and Recommendations

POLICE OFFICER IDENTIFICATION AND PLEADING

Both § 87(2)(b) and § 87(2)(b) stated that the officer who issued § 87(2)(b) all three summonses was the same officer who spoke discourteously to him and poked § 87(2)(b) in the eye with his radio antenna, and they both described this officer as a black male and his partner as a white male. Officer Clarke was identified from the summonses he issued to § 87(2)(b) and he and Officer Maresca acknowledged being present during this incident. § 87(2)(g)

§ 87(2)(g)

ASSESSMENT OF EVIDENCE

The only undisputed facts in this case are that § 87(2)(b) and § 87(2)(b) had an interaction with Officers Clarke and Maresca that resulted in Officer Clarke issuing three summonses to § 87(2)(b) and that § 87(2)(b) sustained an injury to her right eye. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) stated that Officer Clarke approached his car and told him that he intended to issue him a summons for § 87(2)(b) and then Officer Clarke ran to the front of the car and told § 87(2)(b) “Are you fucking crazy? Don’t move.” § 87(2)(b) did not provide an explanation for why Officer Clarke did this, § 87(2)(g)

However, Officer Maresca stated that Officer Clarke told him that § 87(2)(b) began driving away and that he was forced to move in front of the car to stop § 87(2)(b) from leaving.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

her medical treatment at § 87(2)(b) which indicate that she sustained an injury to her right eye. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

According to Officer Clarke, § 87(2)(b) was uncooperative when told to move his car and then that he was going to receive a summons. Officer Clarke described that § 87(2)(b) repeatedly got out of his car; something that § 87(2)(b) generally corroborated when he said that he started to get out of his car when § 87(2)(b) approached the officers. Officer Clarke acknowledged that he threatened to arrest § 87(2)(b) if he continued to get out of his car, though Officer Maresca stated that Officer Clarke told § 87(2)(b) that he could receive another summons if he failed to comply with the officers’ orders to remain in his car.

§ 87(2)(g)

Officer Clarke stated that he held his radio in his hand when he called for a warrant check on § 87(2)(b) driver’s license while Officer Maresca stated that Officer Clarke never removed his radio from his belt. Second, Officer Clarke stated that § 87(2)(b) drove up to him and Officer Maresca after they walked away, but Officer Maresca stated that he did not see either § 87(2)(b) or § 87(2)(b) again after they got in the car and drove off. § 87(2)(g)

§ 87(2)(g)

Allegation A – Officer Leonard Clarke spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Allegation B – Officer Leonard Clarke threatened to arrest § 87(2)(b)

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Officer Clarke acknowledged that he threatened to arrest § 87(2)(b) if he did not get back into his car, § 87(2)(g) § 87(2)(b) stated that Officer Clarke threatened to arrest § 87(2)(b) if he did not get back in the car, and § 87(2)(b) never alleged that he was threatened at all. § 87(2)(g)

Penal Law code 240.20 (encl. 1) states that a person is guilty of disorderly conduct in part when “(3) In a public place, he uses abusive or obscene language, or makes an obscene gesture; or...(5) He obstructs vehicular or pedestrian traffic; or...(7) He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.” § 87(2)(g)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation C – Officer Leonard Clarke hit § 87(2)(b) with his radio.

§ 87(2)(g)
The medical records pertaining to her treatment at § 87(2)(b) indicate that she sustained injuries to her right eye, and § 87(2)(b) was consistent in her statements to medical personnel that she received the injuries from a police officer’s “walkie-talkie” (encl. 8). § 87(2)(g)

[REDACTED]
[REDACTED]
[REDACTED]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: